

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>David L. Ries,</b>	)	<b>CASE NO. 4:03 CV 2055</b>
	)	
<b>Petitioner,</b>	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
	)	
<b>Vs.</b>	)	
	)	
<b>Mark A. Bezy,</b>	)	<b><u>Order</u></b>
	)	
<b>Respondent.</b>	)	

This matter is before the Court upon the return of this case by the Sixth Circuit to proceed on petitioner's request for injunctive and declaratory relief.

This Court previously denied the Petition for Issuance of Writ of Habeas Corpus or for Alternative Writ and Declaratory Judgment. The Sixth Circuit affirmed this Court's decision and a mandate was issued.

Petitioner has now sought injunctive relief. Petitioner states that he has been released from incarceration. He further states that the United States Probation Office has denied his request for a work-related travel permit and has informed petitioner that he must obtain such permission from the California sentencing courts. Petitioner seeks immediate issuance of the

work-related travel permit from this Court.

In considering a motion for preliminary injunctive relief, this Court “must balance: (1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury without the injunction; (3) whether issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuance of the injunction.” *Tumblebus Inc. v. Cranmer*, 399 F.3d 754, 760 (6<sup>th</sup> Cir. 2005) (citations omitted).

Petitioner fails to show, at a minimum, a strong likelihood of success on the merits. Petitioner was sentenced in the Eastern District of California to a term of imprisonment followed by a term of supervised release. The terms of a defendant's supervised release may include restrictions on his right to travel. *See, e.g., United States v. Friedberg*, 78 F.3d 94, 97 (2d Cir.1996). Petitioner must apply to the sentencing court for issuance of the work-related travel permit he seeks. *See U.S. v. Stanphill*, 146 F.3d 1221 (10<sup>th</sup> Cir. 1998).

For the foregoing reasons, petitioner’s application for issuance of injunctive and declaratory relief (Doc. 53) is denied. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.App.P. 22(b).

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
United States District Judge

Dated: 11/21/05